IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.524 OF 2006

EBS Worldwide Services Pvt. Ltd. ..Petitioner.

Mr. Anant Iyander for the Petitioner.
None present for the O.L. and Regional Director.

CORAM : R.S. MOHITE, J.
DATED : 01/9/2006.

P.C.

1. This is a petition filed by the petitioner company for approval of the Reduction of Share Capital by utilization of Share Premium Reserve Account of Rs.6,89,64,225 out of Rs.7,15,81,816/- in terms of the special resolution by the Equity Shareholders at their Extra Ordinary General Meeting held on 15.7.2006.

2. It is stated in the petition that the reduction will not cause any prejudice to the interest of the creditors of the company. The creditors of the company are no way affected by the proposed reduction of share capital by utilization of the share premium account as there will not be any reduction in the amount payable to any of the creditors arising out of this reduction. That, the proposed reduction would not in any way affect the ordinary operations of the company or the ability of the company to honour its commitment or pay the debts in

ordinary course of business. It is also stated that the reduction of share premium account does not involve either diminution of any liability in respect of unpaid capital or the payment to shareholders of any paid up capital nor any call is being waived.

3. An affidavit dated 4.8.2006 by Bhavin Zaveri who is the authorised signatory of the petitioner is tendered and the same is taken on record. It is stated in the affidavit that secured creditor is only ICICI Bank which has financed car loan in favour of the petitioner company and the company is regular in payment of instalments and there is no default in the instalments. In the aforesaid circumstances, procedure under Section-101 (2) of the Companies Act is not necessary to be followed. No one has raised any objection to the petition being allowed. Therefore, the petition is allowed in terms of prayer clause (a) and (b). Petition stands disposed off.

(R. S. MOHITE, J.)